

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ACCESS 4 ALL, INC. and
NELSON M. STERN,

Plaintiffs,

v.

ABA HEIMAN, JERRY HEIMAN, and
ULSTER HEIGHTS PROPERTIES, INC.,

Defendants.

RESPONSE TO
MOTION TO DISMISS

07-CV-2923(LBS)

Defendants, ABA HEIMAN and JERRY HEIMAN, by ABA Heiman, Esq.,
responding to plaintiff's Motion to Dismiss Against Defendants ABA and Jerry Heiman,
agree, and join plaintiffs in their motion, that this action should be dismissed against
defendants ABA HEIMAN and JERRY HEIMAN, except that said dismissal should be
"with prejudice" with regard to defendants ABA HEIMAN and JERRY HEIMAN.

The only other reason defendants ABA HEIMAN and JERRY HEIMAN were
unable to join plaintiffs' Motion to Dismiss Against Defendants ABA and Jerry Heiman
was that plaintiffs' proposed Stipulation (during our meet and confer) specified that the
only consideration for same was dismissal. Plaintiffs and defendants, ABA HEIMAN
and JERRY HEIMAN, have discussed and disagree on whether dismissed defendants,
ABA HEIMAN and JERRY HEIMAN, should be entitled to reasonable attorney fees
following dismissal.

Respectfully,

ABA HEIMAN and JERRY HEIMAN

By: /s/ ABA Heiman
ABA Heiman, Esq. (AH 3728)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ACCESS 4 ALL, INC. and
NELSON M. STERN,

Plaintiffs,

v.

ABA HEIMAN, JERRY HEIMAN, and
ULSTER HEIGHTS PROPERTIES, INC.

Defendants.


STATE OF NEW YORK)
:ss
COUNTY OF NASSAU)

Belinda Torres, being duly sworn, say: I am not a party to this action, am over 18 years of age and reside at Medford, New York. On the 5th day of July 2007, I served defendants' Response to "Plaintiffs' Motion to Dismiss Against Defendants Aha and Jerry Heiman and Amend Caption" upon:


Nelson M. Stern, Esq. &
964 Third Ave., 5th Fl.
New York, NY 10155

Lawrence A. Fuller, Esq.
Fuller, Fuller & Assoc., PA
12000 Biscayne Blvd., #609
North Miami, FL 33181

by first class mail.


Belinda Torres

Sworn to before me this
5th day of July 2007


Notary Public

BARI M. LEWIS
Notary Public, State of New York
No. 02LE488202
Qualified in Nassau County
Commission Expires March 9, 2011